



**MEETING MINUTES**

**HANFORD ADVISORY BOARD (HAB, Board)**

**Budgets and Contracts (BCC)**

*August 12, 2021*

*Virtual Meeting via Microsoft Teams*

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<p><i>This is only a summary of issues and actions discussed at this meeting. It may not represent the fullness of represented ideas or opinions, and it should not be used as a substitute for actual public involvement or public comment on any particular topic unless specifically identified as such.</i></p>
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## **Opening**

Ruth Nicholson, HAB Facilitator, welcomed meeting participants and notified the participants that the meeting was being recorded.

Gary Younger, US Department of Energy (DOE), announced that this meeting was being held in accordance with the Federal Advisory Committee Act.

Tom Galioto, Public at Large and BCC Chair, added his welcome to the attendees. He expressed that he was happy to be there, having worked with DOE to have the meeting for a long time. He reviewed the meeting agenda to explain the key purposes of the meeting. First, he hoped to determine and agree to an acceptable plan between the HAB and DOE regarding budget sharing and associated time frames. Second, he wanted to discuss the public meeting regarding Fiscal Year (FY) 2023 budget priorities held July 15 and DOE's response to the HAB's stated budget priorities. Finally, he would lead discussion for potential advice items in the BCC's purview over the following six months, approximately.

Ruth announced that HAB committees and Issue Manager (IM) teams were established in Microsoft Teams, providing members discussion space to explore HAB and committee topics. Joshua Patnaude, HAB Facilitation Team, provided a short demonstration focusing on Teams navigation and functions.

## **Hanford Budget Issues Discussion**

Tom Galioto explained that the point of the day's BCC meeting was to have an open, honest, and objective conversation regarding the budget information shared by DOE and its responses to HAB budget advice with the goal of finding acceptable solutions to the issues seen by each side—or at least to have actions to work toward those solutions.

In advance of DOE's presentation, Tom provided framing for the discussion. The discussion was intended to explain why the budget information was important. He explained that he understood that the local DOE was working under a lot of constraints imposed by DOE Headquarters (HQ) regarding what could be shared. He hoped to reach a path forward that would better define what was allowable within DOE's constraints and acceptable to the HAB.

### *DOE Budget Development and Timing Presentation*

Jacob Riddle, DOE, introduced himself as one of the team leads in the budget division for Hanford. His position provided him a well-rounded understanding of the Hanford budget, and he brought additional background in DOE budgeting from his previous work on the Idaho project.

Jacob stated that it was his understanding that BCC had some newer members in attendance, so his presentation was focused on the federal budgeting process at an annual overview level. He hoped it would allow the HAB to gain a greater understanding of how HAB advice and public input was used to inform Hanford cleanup priorities and budget requests.

He explained the budget process across a three-year cycle, from formulation through review and execution. He noted that the President of the United States is DOE's customer, and as a result, budgets go through several steps for approval from the top levels of government back down to the field. The local DOE primarily responds to DOE Environmental Management (DOE-EM), its immediate customer, who in turn is directed from further up.

Each financial year is typically kicked off by the president submitting a budget request, though the current year was different due to the change in administration. Jacob showed a chart of the Congressional budget process, which included each step of approval through the House of Representatives and Senate before

being signed by the President. He noted that, historically, there may be significant variance from the President's budget as opposed to the budget enacted by Congress.

Jacob provided an overview of month-by-month budget submission, review, and approval events. Regarding the FY22 budget timeline, work was being prioritized to meet the associated Tri-Party Agreement (TPA) timelines and deadlines. He noted that FY23 budget inputs are embargoed and remain embargoed until release in February. DOE was expected to submit its final FY22 budget to the Office of Management and Budget (OMB) by the middle of September.

He noted that most timeline events served as more of a wish list than actual deadlines, in practice. The timing of events up to final appropriation, and final appropriation itself, could vary considerably. Often, as a result, the site goes into a new FY without knowing what the final budget will be. Hanford budgeting puts a big emphasis on ranking priorities, as it is difficult to discuss planned accomplishments or specifics when available funding is unknown. Public outreach in budget development is focused on gaining input of relative prioritization of planned activities.

### *Regulatory Perspectives*

Dave Einan, US Environmental Protection Agency (EPA), stated that there were a few other points to remember when discussing budget. There was mention of an Integrated Priority List (IPL), where level of detail is particularly important. He stated that many are not happy with the level of detail received in the IPL. He emphasized that hearing cleanup priorities by the HAB and other stakeholders is very important. Though he knows Hanford will never receive the desired amount of funding, it was important to make informed choices, which included hearing the voices in any given room.

Anne Knapp, Washington State Department of Ecology (Ecology), concurred with Dave, stating that Ecology had similar concerns. As a regulator, Ecology tried to plan would well in advance. Coordination was important to keep work moving smoothly.

### *Committee Discussion*

Chris Sutton, Public at Large, asked, considering the outline for budget development that Jacob presented, when DOE would like to receive the HAB's advice on FY24 budget priorities. Jacob stated that he could not speak definitively on that, but he expected March of 2022 would be the best time.

Emmitt Jackson, "Non-Union, Non-Management" Employees and BCC vice chair, remarked on a DOE-EM Corporate Program Review item that appeared in the timeline during Jacob's presentation. He asked for detail on who the key personnel in budget and program reviews consisted of. Jacob was unsure and agreed to make note of the question to pass it along.

Emmitt asked Dave to explain what he was referring to by level of detail in sharing. Dave provided an example: a level of detail could be a high-level item such as groundwater or the Waste Treatment Plant (WTP) as a priority, or it could break those down to detail the subparts of each. He hoped to see more detail than high-level items; he wanted to see the building blocks of each, what decisions need to be made within those, and the potential "collateral damage" to making those decisions.

Gerry Pollet, Heart of America Northwest, stated that detailed budget information should be shared among the TPA agencies and the public as a result of legal requirements stated in the TPA. He explained that the TPA explicitly requires this information to be shared with regulators and was required for them to do their jobs, determine if a budget is compliant, and determine if alternatives need to be considered. He stated that embargoes are meaningless where there is a legally binding consent order to share it.

Gerry requested that the IPL be provided immediately, which was assumed to be available as of May, and requested that the associated public comment period be extended, as no meaningful public comment could be provided without that information.

Tom agreed with Gerry but thought it was unlikely that the issue he was discussing could be resolved within the scope of the day's meeting. He stated that the HAB could submit a related statement as part of the current comment period, though it would not be resolved immediately and would need to be something the HAB would continue to address.

Emmitt asked Jacob, based on his previous work on the Idaho Cleanup Project, if the Idaho Cleanup Project Citizens Advisory Board faced similar challenges receiving budget information. Jacob explained that he was not involved with that board but agreed to inquire on the matter.

### **Acceptable Budget Information/Timing for Information Sharing**

Tom explained that he examined guidance provided by William (Ike) White regarding what HQ has established regarding what DOE would or would not share. Based on the information provided, he created a summary table that provided a timetable for allowable DOE budget sharing information. He presented the table (*Attachment 6*) as a proposal, explaining that the proposed information and timetable would allow DOE to share information with the public in a manner that did not conflict with HQ direction or restrictions. He expressed his hope to find a balance that allowed the public to make informed decisions and advice. Though the requests did not include everything he wanted to have access to immediately, it would provide enough for the HAB to be informed in developing cleanup priorities.

He requested that DOE representatives review the table and provide comments or alternate proposals. Jacob stated that he would like it to be available to take back for review. He stated that did not have authority to make any decisions in that regard, though he personally liked the overall concept. Tom stated that he would work with HAB leadership to determine the best method for formal submission for comment. Further, Tom requested that Jacob provide DOE-EM budget guidance memorandum sent to DOE sites.

### ***Regulatory Perspectives***

Dave Einan stated that he liked chart in terms of brevity; he thought it would be helpful and made a lot of sense. He thought it would be a good step forward in getting the information needed. Anne Knapp agreed, stating it was well organized.

### ***Committee Discussion***

Gerry Pollet stated that he was okay with using the proposal information as a committee work plan or similar aid but did not agree to having it used for any other purpose as he did not want to imply the HAB would accept illegal withholding of information. He explained that much of the information requested was already public and available through the appropriate channels. He was unwilling to adopt something that settled for less than what was legally required. He saw it only has a useful visualization tool for the BCC's work.

Chris Sutton suggested that, in order to formalize the proposal, an IM team be formed to consider related policy level advice. The HAB and BCC required information at certain times to issue associated advice in a timely manner. He thought that would be an advice topic to consider prior to moving forward on FY24 budget advice.

Susan Leckband, Washington League of Women Voters, thanked everyone in attendance. She explained that the information sharing issue was cross-cutting among HAB committees and that she understood Gerry's frustration. She noted that DOE was more transparent and collaborative with the HAB in the past. She liked Tom's chart and felt it was a good representation of what the HAB could likely expect for minimally informed advice, though it did not reach the level of detail many members believed that was required. Regarding an earlier comment by Gerry, she stated that, if the information requested was publicly available, it was not something the public understood how to obtain. The HAB required presentations on the subject to access or gain the ability to access such information.

Susan reiterated that she and the HAB believed that transparency was appropriate and necessary. She stated that it should be asked why information that should be publicly available was embargoed and that people would think the worst in the absence of information.

Steve Anderson, Grant and Franklin Counties, agreed with many of the sentiments expressed by other committee members. He agreed with Gerry, stating that those documents should be available in a much timelier manner on legal grounds. He thought Tom's chart made it easier to see what the HAB wants, specifically as a starting point.

Gary Younger explained that the local DOE staff provide what they are allowed to and when they are allowed to do so. He agreed that it would be a good idea for an IM team to further examine the issue and suggested that in order to solve the issue, it may need to be taken to others with the appropriate authority. It was likely outside scope of what DOE Hanford had the power to solve.

Tom agreed and understood. He was working to get to a point where the Board could move forward with what was available.

### **Reflections on the July Cleanup Priorities Public Meeting**

Tom Galioto requested comments from BCC members that were in attendance for DOE's cleanup priorities public meeting in July 2021 and, specifically, constructive items that could be useful in preparing advice.

Tom stated that he appreciated DOE letting the meeting run over the scheduled hour. He felt it would have been helpful for DOE to provide an advance presentation further ahead of time, as the few hours available did not allow people to study or understand what was being presented. He explained that his expectations shifted with his understanding of requirements and restrictions imposed by DOE HQ, and as a result, thought the presentation was effective in providing insight to the local DOE's plans to clean up Hanford in the associated FY and highlighted its priorities.

Chris Sutton prepared a crosswalk of what was discussed in the public meeting against the HAB advice on FY23 priorities. It showed some HAB-identified critical items, such as the Central Plateau and River Corridor, were addressed in the public meeting, while others for not addressed at all, such as workforce issues, worker safety, or public involvement. Chris agreed to post his analysis to the BCC's channel in Microsoft Teams.

Gerry Pollet stated, from a public involvement and communications aspect, the public meeting continued a pattern that drives people away from public involvement meetings. He felt that the structure of the meeting was cumbersome, particularly the aspect of requiring phone-based audio with visuals by computer. He disliked that participants could not see the comments of other participants and felt it was inexcusable. He noted that Ecology-hosted meetings did not suffer such accessibility challenges.

Additionally, Gerry felt that the lack of substantive information in the meeting was frustrating to the public. He stated that the biggest concern on the mind of the public was the leaking high-level waste tank, B-109, which was not mentioned at the meeting. He remarked that the timing of the meeting was unhelpful to all but DOE staff. His perception was that the meeting was a waste of time. He wondered why the public should want to participate when not receiving useful information and were unable to participate effectively.

Tom agreed, but noted that it was dependent on an individual's perception of the meeting going in. Were someone to expect detailed information, it would result in disappointment. Understanding the restrictions that the local DOE had to adhere to, however, he felt it provided some of the things the HAB hoped to see. Gerry stated that no information presented was relevant to the TPA comment period, which was important, as that was the purpose of the meeting.

### **Development of HAB Advice on Fiscal Year 2024 Cleanup Priorities**

Tom Galioto provided a short overview of timeframes and processes for budget advice development, based on HAB-developed advice from prior years. His eventual goal was to have the final advice draft ready for the full Board meeting in March 2022. He felt it was not necessary to identify IM team members at that time but intended for the eventual team would have representation from each HAB committee.

Tom noted that he had not yet heard comments from DOE as part of its response to HAB Advice #309, which provided advice on the FY23 budget priorities. The response was in alignment with a trend he has observed over the prior several years work of advice responses, where DOE's responses lacked specificity in addressing specific HAB recommendations for cleanup. He was frustrated by the short responses as they did not indicate where the HAB stood or how HAB advice would be used, which raised the question of the cleanup priorities advice being a worthwhile endeavor, as it was unclear if it was being used. He asked for committee members' thoughts.

Steve Anderson, lacking a long history with the HAB, wondered if there was any indication of change in how the HAB was viewed by DOE over time. Tom did not have a specific answer, but from observation over five years with the BCC, he felt that DOE did not appreciate BCC's push for budget information as it was not able to provide because of direction from HQ. He stated that DOE has requested numerous times that the HAB provide a ranked list of priorities, however, HAB historically has declined to rank priorities as each committee submits priorities for its individual areas of concern.

Ginger Wireman, Ecology, noted that federal agencies were not favorable to any type of citizen advisory board during the previous presidential administration and though time would tell if the outlook became more favorable. She explained that, in a previous HAB committee meeting, Marissa Merker, Nez Perce Tribe, noted that it seemed antithetical for the DOE to state that it wanted to increase Board diversity without supporting the meetings necessary to become informed, as the learning curve for Hanford Site issues is steep. The likelihood of having meaningful public engagement seemed to be diminishing as simply not enough time or support was provided. Ginger noted that she was not blaming the local DOE, as she thought the direction came from higher up.

Gary Younger thanked Ginger. He explained that he had been in position for about one year, so many of the voiced concerns predate him. He was at the bottom ranks and trying to keep things moving along as best he could. He recalled earlier conversations regarding the ability to provide additional information on Hanford Site budgets; he and his staff heard the requests, but much of the rulings came from higher up.

He stated that local DOE staff did not have the appropriate influence to make those changes and did not take the criticism personally.

Regarding the HAB advice, Gary stated that the recent budget advice given was some of the best DOE had received in a long time on what was important and critical to the public. He recommended it as a template for cleanup priorities going forward. It was well received by staff and made them think that DOE's priorities were aligned with those of the stakeholders.

He explained that a point-by-point response by DOE was unlikely, as the response was intended to show a general agreement in concept. When advice was received, it was run through senior staff to show what the stakeholders were thinking on the subject, and as explained Jacob Riddle's earlier presentation, it did make it into the budget development process. Regarding information sharing, Gary explained that he was being as transparent as he was able in his position while doing the best he was able for the higher-ups. Regarding budget discussion, he was not able to talk dollars until the White House designated what items can be discussed. The information provided was everything that was allowed to be provided, it was just the construct that he needed to work in. Resolution efforts would likely need to circumvent the present hierarchy.

Chris Sutton provided reflections on advice and responses. Looking at latest DOE five-year plan, he noted that DOE did not prioritize its work in that. Though he initially felt that DOE's advice responses were short, he felt that they made sense upon further thought; considering the advice alignment with the 5-year plan, it was likely that a generalized agreement was an appropriate response. He hoped to learn if HAB advice reached DOE-EM or OMB and stated that he would like HAB advice to be appended to appropriate paperwork that moves up to OMB.

Susan Leckband provided historical perspective. In the past, related decisions were made locally, but more recently have taken out of local jurisdiction and made at the HQ level. Prior to formation of the HAB, DOE faced about 100 lawsuits per year, and when the concerned parties started participating on the Board, the number of lawsuits diminished. She felt that the separation up to HQ was likely part of the reason for perfunctory responses and part of the reason for the perceived lack of respect. She did not believe the issues to be the fault of those living in the Hanford region, as they understood and were impacted by the same concerns that HAB examined and advised on.

She agreed with Chris, stating that budget advice should be copied to Ike White, specifically. She noted that the HAB was chartered to give advice to local DOE and regulators, though they were no longer the ones to make decisions. She thought the HAB required additional meetings, as the HAB could not effectively go through its processes with the number of meetings available.

Dan Solitz agreed with an earlier point, stating that it was right not to prioritize budget among a consensus organization. Regarding the nationwide DOE entity, he noted that there were high-profile embarrassments like the Mixed Oxide (MOX) Fuel Fabrication Facility, which did not work as hoped and was at high cost. He felt that likely cascaded back to Hanford, noting that a failure of the Low-Activity Waste (LAW) would be another embarrassment. He stated that DOE was also charged with refurbishing weapons since the Obama administration and that the resulting material would be sent to the Waste Isolation Pilot Plant (WIPP) ahead of Hanford waste. He thought the natural reflex to conflict was to tighten down at the local level.

Dan stated that the Board needed to consider such aspects in any advice it issued and could not expect change unless it happened at the highest levels.

Bob Suyama suggested the idea of a HAB product that discussed the history of the HAB so people understood its history and value, and to point out the current limitations imposed on the HAB and associated effects. He thought that the only way for the HAB to provide actionable advice was to hold more meetings and become more informed as a result. He recommended that he and Susan develop the key points for this product.

Steve noted his appreciation for the HAB history Susan provided. He was impressed by the HAB effect of mitigating public expense in the form of lawsuits. He thought it showed that the public wanted a voice and to avoid consternation around the cleanup process.

Steve provided an additional aspect to consider in advice development. He thought it might be valuable to look at historical spending; if information was not directly provided, perhaps the HAB could look to history for insights.

### **Committee Business**

Tom Galioto provided a review of the draft HAB work plan for FY22 and explained the basis of interest for the present topics. He called for contributions from the committee. Chris Sutton commented on the contract structure topic, noting that in the Central Plateau Cleanup Company, LLC (CPCCo) contract, task order proposals were required to be submitted for DOE review and approval. It was his understanding that both CPCCo and DOE were struggling to understand how to write and approve those proposals. As a result, he thought it would be worth getting a presentation on the Indefinite Delivery Indefinite Quantity (IDIQ) process.

The committee reviewed potential advice items for further investigation:

- Expectations regarding DOE's response to HAB's advice
- End-state contracting and ID/IQ contract structures
- DOE budget data sharing expectations and timelines
- The need for expanding HAB support, using historically demonstrated HAB value as evidence

Tom expected there would be decisions on how to proceed on the advice topics in future committee calls. He encouraged committee members to volunteer in framing, developing, or investigating the topics in the meantime.

Chris Sutton noted that he sent Tom an article related to EM liability and wondered if he felt it was worth discussing. Tom explained that the article showed Hanford as a very high liability, which should indicate Hanford should receive increased attention, funding, and surveillance. He felt it was a valid concern and interest but was unsure how it might translate to advice at that point.

Emmitt Jackson commented that he was notified that the Savannah River Site received \$5 million dollars for educational activities and outreach. He thought the Hanford Site never saw that level of funding for similar activities and wondered why. Tom stated that the topic would likely face the same budget information availability challenges but was a valid question. Gary Younger agreed to follow up and asked Emmitt to provide him an email so he could understand the scope of the question.

The committee agreed to tentatively schedule an August 24<sup>th</sup> committee call and adjourned.

### **Attachments**

Attachment 1: Meeting Agenda

Attachment 2: Getting Started with Teams Guide



Attachment 3: HAB Issue Manager Team List

Attachment 4: Overview of the Budget Process

Attachment 5: BCC Framing Questions

Attachment 6: DOE and Stakeholder Interactions – Cleanup Priorities and Budget Information

Attachment 7: FY2022 HAB Work Plan

Attachment 8: FY2022 HAB Calendar

**Attendees**

**Board Members and Alternates:**

Bob Suyama, Primary	Dan Solitz, Primary	Gerry Pollet, Primary
Emmitt Jackson, Primary	Steve Anderson, Primary	Susan Coleman, Primary
Susan Leckband, Primary	Tom Galioto, Primary	Chris Sutton, Alternate

**Others:**

Gary Younger, DOE	Anne Knapp, Ecology	Cerise Peck, HMIS
Jacob Riddle, DOE	Ginger Wireman, Ecology	Dana Cowley, HMIS
	Ryan Miller, Ecology	Gabriel Bohnee, HMIS
	David Einan, EPA	Patrick Conrad, HMIS
		Tracy Barker
		Kelsey Shank, theEDGE
		Joshua Patnaude, HAB Facilitation Team
		Olivia Wilcox, HAB Facilitation Team
		Ruth Nicholson, HAB Facilitation Team

Note: Participants for this virtual meeting were asked to sign in with their name and affiliation in the chat box of Microsoft Teams. Not all attendees shared this information. The attendance list reflects what information was collected at the meeting.

**Appendix A – Actions for Follow-up From July 12, 2021 BCC Meeting:**

<b>Item #</b>	<b>Action Description</b>	<b>Creation Date:</b>	<b>Assigned To:</b>	<b>Status</b>
1	Does the Idaho EMSSAB have similar concerns as the HAB re: not receiving detailed budget info prior to DOE submittal to HQ	8/12/2021	Jacob Riddle	
2	Provide detail of DOE-EM key personnel involved in budget and program reviews.	8/12/2021	Jacob Riddle	
3	Identify the proper way to transmit the budget sharing chart to DOE, and send it to DOE	8/12/2021	Tom Galioto	Consider creating formal Advice to transmit.
4	DOE to review/comment/concur with HAB budget sharing chart	8/12/2021	Gary Younger	
5	Provide the most recent (~Feb 2021) DOE-EM budget guidance memorandum sent to DOE sites	8/12/2021	Jacob Riddle	
6	Determine how the HAB members can access public budget info; ideally receive presentation on the subject.	8/12/2021	Unassigned	It's not clear where we can find this type of info. Unclear path forward.
7	Upload (to Teams BCC group site) C. Sutton's comparison eval of HAB Advice #309 items with DOE FY2023 Cleanup Priorities from 7/15/2021 mtg	8/12/2021	Chris Sutton	Posted to Teams
8	Investigate TPA Milestone #36 requiring DOE Lifecycle eval every 3 yrs.	8/12/2021	Tom Galioto	
9	Confirm that DOE includes a copy of our Cleanup Priorities advice with their annual budget submittals to DOE-HQ and ultimately to OMB.	8/12/2021	Gary Younger	
10	T.Fletcher previously mentioned SRS received \$5M to support culture/ workforce issues. Did Hanford receive similar funds?	8/12/2021	Gary Younger	Emails exchanged
11	BCC call scheduled for Aug 24. Get agenda items to Ruth.	8/12/2021	Tom Galioto	Call held